
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC; INTERNATIONAL
AUTOMATED SYSTEMS, INC.; LTB1,
LLC; R. GREGORY SHEPARD; NELDON
JOHNSON; and ROGER FREEBORN,

Defendants.

**ORDER GRANTING MOTION TO
APPOINT CONFLICTS
COUNSEL**

Civil No. 2:15-cv-00828-DN

The Honorable David Nuffer

Before the Court is a Motion to Appoint Conflicts Counsel (“Motion”),¹ submitted by R. Wayne Klein in his capacity as the Court-Appointed Receiver for RaPower-3, LLC, International Automated Systems Inc., LTB1 LLC, their subsidiaries and affiliates, and the assets of Neldon Johnson and R. Gregory Shepard. The Motion asks the Court to appoint the law firm of Manning Curtis Bradshaw and Bednar (“Manning Curtis”) as conflicts counsel for the limited purpose of pursuing claims the Receiver may assert against Snell & Wilmer and resolving any and all claims of the Receivership Estate with regard to any other individuals or entities with whom Parr Brown Gee & Loveless, P.C. (“Parr Brown”), may have a conflict.

Based on the Motion, and for good cause shown,

IT IS HEREBY ORDERED that:

1. The Motion is GRANTED.

¹ [Docket no. 773](#), filed September 26, 2019.

2. David Castleberry and his firm, Manning Curtis are hereby appointed as conflicts counsel for the limited purpose of pursuing claims the Receiver may assert against Snell & Wilmer and resolving claims with respect to any other individuals and entities with whom Parr Brown have declared a conflict of interest (the "Conflict Claims").

3. The Receiver and Parr Brown will identify any Conflict Claims and refer legal issues relating to such claims to Manning Curtis.

4. Requests for payment of fees and reimbursement of expenses for Manning Curtis will be submitted by motion of the Receiver in the same method as fees for the Receiver and his Retained Personnel.

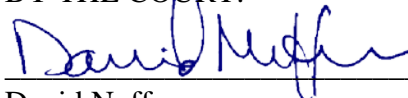
5. Manning Curtis shall make every effort to minimize costs to the Receivership Estate and to avoid duplication of efforts.

6. Manning Curtis has the same powers and authority and is subject to the same obligations and limitations under the Corrected Receivership Order as Parr Brown.

7. The Receiver, Parr Brown, Manning Curtis, and counsel for Plaintiff shall coordinate and resolve any issues that might arise through the appointment of Manning Curtis as conflicts counsel. In the event that such issues cannot be resolved through mutual agreement of the Receiver, Parr Brown, Manning Curtis, and counsel for Plaintiff, any of these persons may apply to the Court for resolution or further direction.

SIGNED this 11th day of October, 2019.

BY THE COURT:



David Nuffer
United States District Judge